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14 IN THE UNITED STATES DISTRICT COURT
15 EASTERN DISTRICT OF CALIFORNIA

16 UNITED STATES OF AMERICA,
17 Plaintiff,
18 v.
19 ARTURO YANEZ, JR., and
20 FRANCISCO JAVIER TOVAR TRONCOSO,
21 Defendants.

22 CASE NO. 1:22-CR-00143-NODJ-BAM
23 STIPULATION REGARDING EXCLUDABLE
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;
25 FINDINGS AND ORDER
26 DATE: April 10, 2024
27 TIME: 1:00 p.m.
28 COURT: Hon. Barbara A. McAuliffe

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendants, by and
19 through defendants' counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on April 10, 2024.
21 2. By this stipulation, defendants now move to continue the status conference until August
22 28, 2024, and to exclude time between April 10, 2024, and August 28, 2024, under 18 U.S.C.
23 § 3161(h)(7)(A), B(iv) [Local Code T4].

24 3. The parties agree and stipulate, and request that the Court find the following:
25 a) The government has represented that the discovery associated with this case
26 includes reports, photographs, and audio files and is voluminous. This discovery has been either
27 produced directly to counsel and/or made available for inspection and copying, and the
28 production of or availability of more discovery is anticipated.

1 b) Counsel for defendants desire additional time to further review discovery, discuss
2 potential resolution with defendants and the government, and investigate and prepare for trial.

3 c) Counsel for defendants believe that failure to grant the above-requested
4 continuance would deny him/her the reasonable time necessary for effective preparation, taking
5 into account the exercise of due diligence.

6 d) The government does not object to the continuance.

7 e) Based on the above-stated findings, the ends of justice served by continuing the
8 case as requested outweigh the interest of the public and the defendant in a trial within the
9 original date prescribed by the Speedy Trial Act.

10 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
11 et seq., within which trial must commence, the time period of April 10, 2024 to August 28, 2024,
12 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
13 because it results from a continuance granted by the Court at defendant's request on the basis of
14 the Court's finding that the ends of justice served by taking such action outweigh the best interest
15 of the public and the defendant in a speedy trial.

16 g) The parties also agree that this continuance is necessary for several reasons,
17 including but not limited to, the need to permit time for the parties to exchange supplemental
18 discovery, engage in plea negotiations, and for the defense to continue its investigation and
19 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 5, 2024

PHILLIP A. TALBERT
United States Attorney

Dated: April 5, 2024

/s/ MARIO TAFUR
MARIO TAFUR
Counsel for Defendant
ARTURO YANEZ, JR.

Dated: April 5, 2024

/s/ REED GRANTHAM
REED GRANTHAM
Counsel for Defendant
FRANCISCO JAVIER TOVAR
TRONCOSO

ORDER

IT IS SO ORDERED that the status conference is continued from April 10, 2024, to **August 28, 2024, at 1:00 p.m. in Courtroom 8 before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: **April 8, 2024**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE